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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,173	01/30/2002	Clinton S. Hartmann	RFSC-0005	2725
27964	7590	11/17/2006	EXAMINER	
HITT GAINES P.C.			NGUYEN, HANH N	
P.O. BOX 832570			ART UNIT	
RICHARDSON, TX 75083			PAPER NUMBER	

2616

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/

Office Action Summary	Application No. 10/066,173	Applicant(s) HARTMANN, CLINTON S.	
	Examiner Hanh Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 9/13/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-17, 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Rybicki et al. (US pat. 6,151,149) in view of Milner (US Pat. 6,993,483 B1).

In claims 1 and 11, Rybicki et al. discloses a system for producing a propagated signal over a wireless path (fig.1, modulated pulses 28 is transmitted via IR transmission path 32) comprising a computer configured to transmit and receive the propagated signal over the wireless path (see fig.1, col.4, lines 42-55; modulator 10 is comprised in a computer which transceiver modulated signal over the wireless path 32); the computer having a means (computer comprising an encoder 16) for encoding (fig.2, data pulse encoder 60) a single element of data (encoding data 64 represented by a number of bits 0111; fig.2 and fig.4) within a time period divided into a group of time slots (fig.4; within a time chip 82 including 4 time slots 84; wherein the time chip 82 is 500nsec duration); see col.6, lines 10-25; and multiple pulses distributed in a predetermined manner (fig.4; multiples pulses are distributed in a first slot and a third slot) among the group of time slots (of time period of 4 time slots 84) by pulse group to encode the single element of data. See col.7, lines 45-50. Rybicki et al. does not explicitly disclose the propagated signal is transmitted over a network. Milner discloses a coded speech signal is transmitted from a mobile device 201 (a computer) over a connectionless network 206 (over a

network) to a remote device 204. See fig.2, col.5, lines 1-12. Therefore, it would have been obvious to one skilled in the art to apply the transmission of coded signal over the connectionless network of Milner into the Rybicki et al. so that the coded header or data is transmitted over the connectionless network or fiber networks or wireless network as mentioned in the Rybicki et al.

In claims 2 and 12, Rybicki et al. discloses the single element of data is ascertainable by mapping (fig.4, pulses pattern corresponding to the data 64 is addressed by using a lookup table in the data encoder 60). See col.6, lines 20-27.

In claims 3 and 13, Rybicki et al. discloses time slots in the group are adjacent (Fig.4, data bits 0100 (data 64) is encoded in pulses occurring two adjacent slots 1 and 2). See col.7, lines 40-43.

In claims 4 and 14, Rybicki et al. discloses time slots in the group are not adjacent (fig.4, data bit 0111 is encoded into pulses occurring slots 1 and 3 which are not adjacent; see col.7, lines 45-50).

In claims 5 and 15, Rybicki et al. discloses time slots have different characteristics (fig.4, for set of bits 0111; pulses patterns have identical timeslot width).

In claims 8-10 and 18-20, the limitations of these claims have been addressed in claim 1.

In claims 7 and 17, Rybicki et al. discloses the single element of data (fig.4; a set of bits) is selected from a header (fig.2, header 62), data message (data 64); an error detection message (fig.2, data valid signal 66) and a synchronization element (reference clock 54; fig.2).

Claims 6 and 16 are rejected under 35 USC 103(a) as being unpatentable over Rybicki et al. (US pat. 6,151,149).

In claims 6 and 16, Rybicki et al. discloses, in fig.4, 16 pulses patterns (data states) corresponding to 4 bit of data instead of 15 bit of data. Rybicki et al. further discloses the time period (fig.4; time chip 82) is divided into 4 time slots; and 5 time slots (see fig.5). But Rybicki et al. does not disclose the time period is divided into 16 time slots and the number of data states correspond to more than fifteen bits of data encoded. However, it is a well-known skill in the art to divide a time period into any number of time slots including 4 time slots, 7 time slot, 16 time slot or 32 time slots, etc., and the data states will vary depend on the number of time slots and the number of bits in data. Therefore, it would have been obvious to one ordinary skilled in the art to apply the well-known teaching of dividing time period into time slots into Rybicki et al. so as to divide the time period into 16 time slots. The motivation is to encode data into multiple pulses in the time period.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

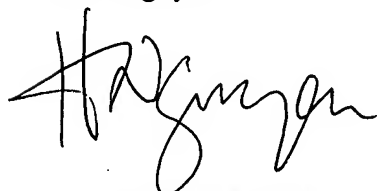
Westerlund et al. (US pat. 6,757,654 B1) and Ueno et al. (US pat. 3,767,855).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER